

PREVENTION OF SEXUAL HARASSMENT

Agenda

- Definition
- Types
- Forms of Sexual Harassment
- Resolution Techniques
- Complaint procedures
- Military Whistleblowers Protection Act

Army's Equal Opportunity Policy

- Equal treatment for soldiers, family members, and DoD civilian employees
- Provide an environment free from sexual harassment
- APPLIES TO:
 - On and Off Post
 - During Duty and Non-Duty Hours
 - Working, Living, and Recreational Environments

Policy continued

- Any person in a Supervisory or Command position who uses or condones any form of sexual behavior to control , influence, or affect the career, pay, or job of a military member or civilian employee who makes deliberate or repeated unwelcome verbal comments, gestures, or physical conduct of a sexual nature in the workplace is also engaging in Sexual Harassment.
- Substantiated complaints against an NCO or Officer require a “Does not support EO” on NCOER or OER.

Army's Policy of Sexual Harassment

- A form of gender discrimination that involves unwelcome sexual advances, request for sexual favors, and other verbal or physical conduct of a sexual nature.
- Quid-Pro-Quo
 - Submission to or rejection of such conduct is made either explicitly or implicitly a term or condition of a person's job, pay, or career, or employment decisions affecting that person.
- Hostile Environment
 - Such conduct interferes with an individual's performance or creates an intimidating, hostile, or offensive environment.

Types of Sexual Harassment

- Verbal
 - Profanity, Jokes, Comments, Whistling, Grunts, Terms of endearment, Rumors
- Non-Verbal
 - Staring, Winking, Blowing Kisses, Printed Materials, Cartoons, Screen savers, E-mails, Notes, Faxes, Sexually oriented pictures, ect.
- Physical Contact
 - Stroking, Grabbing, Patting, Hugging, Cornering, Blocking passage ways, Unsolicited clothing adjustments or back rubs

Is it Sexual Harassment?

- Ask yourself the following:
 - Was the behavior or innuendo sexual in nature?
 - Was the behavior unwelcome?
 - Does the behavior create a hostile or offensive work environment?
 - Have sexual favors been demanded, requested, or suggested, especially as a condition of employment, career, and job success?
 - How would a reasonable person perceive the behavior?

Sexual Harassment Assessment

- Define the incident
- Frequency of behavior
- Impact on the victim
- Appropriateness of behavior
- Rank/position relationship
- Past history
- Consequences of actions
- Effect on unit cohesion.

Informal Resolution Techniques

- Confront the harasser
- Use an intermediary to confront the harasser
- Write a letter to the harasser
- Maintain a log or diary of incidents
- Request sexual harassment training for the unit
- REPORT THE INCIDENT

Informal Complaints

- Has a good chance of success.
- Does not require chain of command intervention.
- Not subject to timelines.
- Assistance not required in writing.
- Complainant has the option to file formal complaint if the informal process doesn't work.

Formal Complaints

- Chain of command
- Alternate agency
 - Higher commander
 - Equal Opportunity Advisor
 - Inspector General
 - Housing Referral Office
 - Judge Advocate General
 - Provost Marshal Office
 - Chaplain
 - Medical Agency

Timeline for Formal Complaints

- 60 days to file complaint
- Notify GCMCA within 72 hours
 - (update within 20 days, 14 days thereafter)
- 3 days to refer to appropriate command
- 14 days conduct inquiry/investigation
 - 14 days to provide written feedback
 - (update feedback every 14 days thereafter)
 - 30 day extension from next higher command
- 7 days to file written appeal
 - cycle repeats
- 30-45 days EOA reprisal assessment

What can happen to the harasser

- ADMINISTRATIVE
 - Counseling
 - Letters of Reprimand
 - Additional training
 - Rehabilitative transfer
 - Administrative reduction
 - Negative performance evaluations
 - Relief for Cause OER or NCOER
 - Bar to reenlistment
 - Discharge from service

What can happen to the harasser (UCMJ)

- Article 134
 - Extortion, Communicating a Threat,
 - Bribery and Craft, Indecent Language
- Article 89 - Disrespect towards a superior officer
- Article 91 - Insubordination towards an WO or NCO
- Article 117 - Provoking Speech and Gestures
- Article 77 - Violation of Principles
- Article 92 - Failure to Obey an order or regulation
- Article 93 - Cruelty and Maltreatment
- Article 133 - Conduct Unbecoming and Officer

Why incidents are not reported

- Lack of faith in chain of command
- Labeled as a non-team player
- Become the perpetrator rather than victim
- Peer pressure
- Not worth the risk (promotions, awards, career)
- Fear of reprisal

Military Whistleblower Protection Act

- Soldiers shall be free from reprisal for making or preparing a protected communication (to include complaints of unlawful discrimination and sexual harassment) to a member of Congress, an EO, an IG, or a member of a DOD audit, Inspection, Investigation, or law enforcement organization or any other person or organization

Reprisal

- Acts of reprisal can come from your co-workers or those in a supervisory position
 - Threats
 - Intimidation
 - Harassment
 -
- Threats or acts of reprisal are forbidden by Army and DOD policy and are punishable under the UCMJ.

Reprisal prevention

- Prohibits disciplinary action against complainant.
- Prohibits actions to discourage individuals from filing EO complaints or seeking assistance with grievances.
- Commanders must develop a written plan to protect the victim, named witnesses and alleged perpetrator from reprisal.
- Does not preclude action for fraudulent complaints or false statements

Leaders actions to support EO

- Know and understand the EO program.
- Take all complaints seriously.
- Take immediate action.
- Follow-up on issues.
- Guard against reprisal.
- Include EO/POSH into integration counseling.

Bottom line

- Sexual Harassment disrupts unit cohesion
- Prevention is the key
- Must be reported before action can be taken
- Leaders set the example by correcting behaviors

Summary

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EQUAL OPPORTUNITY IS

GOOD LEADERSHIP